

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LAURENCE MCCABE,

Defendants.

8:12CR251

ORDER

Defendant Laurence McCabe has moved to continue the trial currently set for June 3, 2013. (Filing No. 44). As explained in the motion, the parties are currently engaged in negotiations of a Diversion Program. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Laurence McCabe motion to continue, (filing no. 44), is granted.
- 2) The trial of this case is set to commence before the Honorable Richard G. Kopf, Senior United States District Judge, in the Special Proceedings Courtroom of the United States Courthouse, Omaha, Nebraska, at 9:00 a.m. on July 29, 2013, or as soon thereafter as the case may be called. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the defendant Laurence McCabe motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between today's date and July 29, 2013, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

Dated this 10th day of May, 2013.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge